

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT EARL HARDIMAN,

Petitioner,

v.

DEAN MINOR,

Respondent.

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No. 4:17-CV-2213 JMB

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion to proceed in forma pauperis. The motion will be provisionally granted. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Petitioner, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated in Moberly Correctional Center, which is located in the Eastern District of Missouri. Petitioner's conviction, however, arose in the Western District of Missouri, in Jackson County.¹

The Eastern District of Missouri and the Western District of Missouri both have jurisdiction over the petition. *See* 28 U.S.C. § 2241(d). In such an instance as this, the Court may transfer the petition to the Western District "in furtherance of justice . . ." *Id.* Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri should be transferred to that district. *In re Business of the Court*, January 27,

¹*See State v. Hardiman*, No. 1216-CR03796-01 (16th Circuit Court, Jackson County Missouri).


1986. As a result, the Court will order that this case be transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **provisionally granted**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 2241(d).

Dated this 9th day of August, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE